

REMARKS

This communication is responsive to the Final Rejection mailed July 18, 2007 ("Final Rejection"). A one-month extension of the time to respond is filed concurrently herewith. In addition, a Request for Continued Examination is submitted herewith.

In view of the final rejections of claims 1, 4-7, and 10-23, Applicants have amended independent claims 1, 7, and 13. In particular, claims 1, 7 and 13 have been amended to now recite "wherein said optimal buffer size is a minimum necessary size to prevent the stream data from overflowing." Support for the foregoing amendments may be found by reference to, for example, Specification, page 5, lines 21-24. No new matter has been added.

Claim Rejections — 35 U.S.C. §103

Claims 1, 4-7, and 10-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,892,508 to Howe et al. ("Howe") in view of U.S. Patent No. 5,978,855 to Metz et al. ("Metz"), The IEEE Standard for a High Performance Serial Bus (hereinafter "1394"), U.S. Patent Application Publication No. 2002/0012530 to Bruls ("Bruls"), U.S. Patent No. 6,020,882 to Kinghorn et al. ("Kinghorn"), and U.S. Patent No. 6,212,632 to Surine ("Surine").

In response to Applicants' previously submitted arguments, the Examiner contends that Bruls does in fact disclose determining an optimal buffer size in accordance with the bit-rate value. (*Final Rejection*, page 3). Specifically, the Examiner appears to argue that Bruls' utilization of the most available space for buffered data constitutes determining an optimal buffer size, because determining the maximum available space is equivalent to determining the optimal size. (*See id.*) However, even if it is accepted that Bruls teaches

determining a maximum available buffer size, this is clearly not the same as determining an optimal buffer size. Bruls merely utilizes whatever space is available. In contrast, the processing unit recited in claim 1 "determines an optimal buffer size in accordance with said bit-rate value and which reserves, in said memory, a storage area having said optimal buffer size." There is no reserving in accordance with the optimal buffer size in Bruls or any of the other cited references.

Nevertheless, Applicants have amended the independent claims for sake of clarification. Particularly, claim 1 has been amended to recite a processing unit which:

"determines an optimal buffer size in accordance with said bit-rate value and which reserves, in said memory, a storage area having said optimal buffer size in response to a power-on signal in said broadcast receiver, wherein said optimal buffer size is a minimum necessary size to prevent the stream data from overflowing."
(Emphasis supplied).

As amended, claim 1 more clearly distinguishes itself from the references cited by the Examiner. In fact, Bruls teaches away from claim 1. Specifically, the Examiner asserts that Bruls teaches "maximizing the available buffer space by using a bitrate that is appropriate for the content signal." (7/18/07 Office Action, page 3) (Emphasis supplied). Claim 1, on the other hand, recites that "said optimal buffer size is a minimum necessary size to prevent the stream data from overflowing."

Accordingly, Bruls fails to teach determining an optimal buffer size and reserving in memory a storage area having said optimal buffer size. Moreover, none of the other cited references cures this defect. That is, the Examiner acknowledges in his rejection that

"[t]he combination of Howe, Metz, 1394 and

Kinghorn, fails to disclose... a processing unit which reads the prestored bit rate value and determines an optimal buffer size in accordance with a bit rate of said received transport stream data, and reserves in memory in response to a power on signal in the receive, a storage area having an optimal buffer size."
(*Final Rejection*, page 7).

Applicants agree. Additionally, Surine does not teach this limitation. Surine relates to management of the contents of volatile and nonvolatile memory by decompressing functions from ROM and instantiating them as needed in RAM. (See *Surine*, Abstract; Col. 7, ll. 27-44; Col. 8, ll. 36-43). Surine nowhere mentions determining an optimal size of a buffer, where the optimal size is the minimum size necessary to prevent stream data overflow. Further, Surine nowhere mentions reserving a storage area having the optimal buffer size.

Accordingly, none of the cited references, taken alone or in combination, teach a processing unit that "determines an optimal buffer size in accordance with said bit-rate value" and "reserves, in said memory, a storage area having said optimal buffer size in response to a power-on signal in said broadcast receiver, wherein said optimal buffer size is a minimum necessary size to prevent the stream data from overflowing." Thus, for at least this reason, Applicants respectfully submit that claim 1 is patentable over the cited references. Accordingly, Applicants request that the rejection of claim 1 be withdrawn.

Independent claims 7 and 13 were rejected on the same grounds as claim 1. Claims 7 and 13 have been amended to include similar limitations to those of claim 1. Particularly, claim 7 as amended recites:

"determining an optimal buffer size in the memory in accordance with the

bit-rate value retrieved from the memory and in response to a power-on signal generated by the broadcast receiver, wherein said optimal buffer size is a minimum necessary size to prevent the stream data from overflowing."

Claim 13, as amended, recites:

"determining an optimal buffer size in the memory in accordance with the bit-rate value retrieved from the memory, wherein the optimal buffer size is a minimum necessary size to prevent the stream data from overflowing; and
reserving, in the memory, a storage area having the optimal buffer size."

Therefore, for at least the reasons discussed above in connection with claim, Applicants respectfully submit that claims 7 and 13 are patentable over the cited references. Accordingly, withdrawal of the rejections of these claims is requested.

Claims 4-6, 10-12, and 14-23 depend from claims 1, 7, and 13, respectively. Thus, each of dependent claims in the application inherently includes the limitations of one of the independent claims discussed above. For at least this reason, Applicants respectfully submit that claims 4-6, 10-12, and 14-23 are patentable, and therefore request that the rejections of same be withdrawn.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicants' attorney at (908) 654-5000 in order to

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overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: October 29, 2007

Respectfully submitted,

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